

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BILLY TYLER,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 06-22-KAJ
)	
UNION PACIFIC RAILROAD)	
COMPANY,)	
)	
Defendant.)	

ORDER

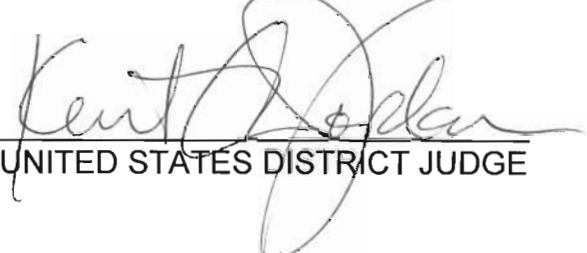
WHEREAS, the plaintiff filed an action invoking jurisdiction based upon diversity pursuant to 28 U.S.C. § 1332, and without prepayment of the filing fee;

WHEREAS, on March 17, 2006, the Court entered an order denying leave to proceed *in forma pauperis* because the plaintiff has three prior suits dismissed as frivolous or for failure to state a claim upon which relief may be granted, and the instant complaint does not allege an imminent threat of physical injury (D.I. 5);

WHEREAS, the plaintiff filed a motion to reconsider, which was denied on May 9, 2006, and the Court ordered the plaintiff to pay the \$250 filing fee within thirty (30) days from the date of the order or the case would be dismissed (D.I. 8);

WHEREAS, to date, payment has not been received from the plaintiff;

THEREFORE, at Wilmington this 15th day of June, 2006, IT IS HEREBY ORDERED that the plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.


UNITED STATES DISTRICT JUDGE